

REMARKS

Claims 1-7, 9, 19-21, 23, 33-36, 38, and 48 are now pending in the application. Claims 1, 9, 19, 23, 33, and 38 are now amended. Claims 8, 10-18, 22, 24-32, 37, and 39-47 are now cancelled. The amendments are fully supported by the application as filed and do not present new matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

TELEPHONIC INTERVIEW

Applicant's representative, Brent G. Seitz, thanks Examiner Philogene for the courtesies extended during the telephonic interview of September 10, 2007. During the interview, the Examiner indicated that it appears that the cited art does not anticipate or render obvious dependent Claims 8, 22, and 37. The Examiner indicated that it would be permissible for Applicant to amend independent Claims 1, 19, and 33 at this time to include the subject matter of Claims 8, 22, and 37 respectively and that this amendment would be entered. Upon receiving Applicant's amendments, the Examiner indicated that he will update his search and allow the case if he does not locate relevant art. If the Examiner does locate relevant art, the Examiner indicated that he will probably issue a new non-final office action.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burstein et al. (U.S. Pat. No. 2005/0027365) in view of Salehi et al. (U.S. Pat No. 6,645,251). This rejection is respectfully traversed.

Independent Claims 1, 19, and 33 are now amended to include the subject matter of dependent Claims 8, 22, and 37 respectively. During the interview with Examiner Philogene on September 10, 2007, the Examiner indicated that such an amendment would be permissible and entered at this time and that the cited art likely does not anticipate or render obvious the features of Claims 8, 22, and 37. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of amended Claims 1, 19, and 33, as well as those claims dependent therefrom.

The Burstein et al. reference appears to disclose a tibial tray 302 and a tibial insert 304 with diamond bearing surfaces 310. The diamond bearing surfaces 310 protrude out from both the tibial tray 302 and the tibial insert 304. The Burstein et al. reference fails to disclose or suggest a "coplanar" wear reduction device "wherein said wear reduction device is a ceramic insert seated within a recess," as set forth in amended independent Claims 1, 19, and 33. The Burstein et al. reference, in fact, teaches away from a co-planar wear reduction device, and hence the claimed ceramic insert seated within a recess, by teaching a diamond bearing surface 310 that stands proud of the tibial tray 302 and the tibial insert 304.

The Salehi et al. reference appears to disclose indentations 16 in a mobile bearing insert 10. "The concept [of Salehi et al.] is focused on reducing area, not the particular design or pattern used." Col. 8, lines 48-50 (emphasis added). Thus, the Salehi et al. reference teaches away from inserting material, such as ceramic, within the indentations because this would not reduce the contact area where friction occurs. The Salehi et al. reference also fails to disclose or suggest a "coplanar" wear reduction

device, "wherein said wear reduction device is a ceramic insert seated within a recess," as set forth in amended independent Claims 1, 19, and 33.

As set forth above, the Burstein et al. and the Salehi et al. references, either singly or in combination, fail to disclose or suggest each and every feature of amended Claims 1, 19, and 33. Therefore, the combination of the Burstein et al. and the Salehi et al. references fails to render obvious amended Claims 1, 19, and 33, as well as those claims dependent therefrom. Applicant respectfully requests reconsideration and withdrawal of this Section 103 rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Sept. 14, 2007

By: Richard W. Warner
Richard W. Warner
Reg. No. 38,043
Brent G. Seitz
Reg. No. 54,435

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600